

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

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|----------------|---|----------------------------|
| HUBERT J. RAY, |) | |
| |) | |
| Petitioner, |) | |
| |) | |
| vs. |) | Case No. 4:24-cv-00165-MTS |
| |) | |
| RICHARD ADAMS, |) | |
| |) | |
| Respondent. |) | |

MEMORANDUM AND ORDER

This matter is before the Court on self-represented Petitioner Hubert J. Ray’s Motion for Appointment of Counsel. Doc. [2]. For the following reasons, the Court will deny Petitioner’s Motion without prejudice.

There is neither a constitutional nor statutory right to the appointment of counsel in a federal habeas proceeding under 28 U.S.C. § 2254. *See McCall v. Benson*, 114 F.3d 754, 756 (8th Cir. 1997); *see also Hoggard v. Purkett*, 29 F.3d 469, 471 (8th Cir. 1994) (stating that it has never “been held that there is a constitutional right to counsel in a habeas action”). Rather, the decision to appoint counsel is within the discretion of the district court. *Williams v. State of Mo.*, 640 F.2d 140, 144 (8th Cir. 1981).

A court may appoint counsel for a self-represented petitioner when “the interests of justice so require.” 18 U.S.C. § 3006A(a)(2)(B). “To determine

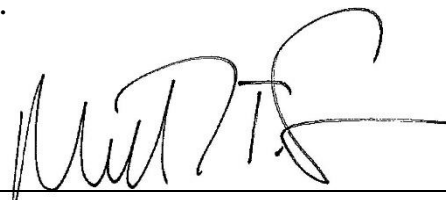
whether appointment of counsel is required for habeas petitioners with nonfrivolous claims, a district court should consider the legal complexity of the case, the factual complexity of the case, the petitioner's ability to investigate and present his claim, and any other relevant factors.” *Abdulla v. Norris*, 18 F.3d 571, 573 (8th Cir. 1994).

After reviewing these factors, the Court finds that the appointment of counsel is not warranted at this time. Petitioner has demonstrated, at this point, that he can adequately present his claims to the Court. Additionally, neither the factual nor the legal issues in this case appear to be complex. The Court will entertain future motions for appointment of counsel if the case progression warrants it.

Accordingly,

IT IS HEREBY ORDERED that Petitioner's Motion for Appointment of Counsel, Doc. [2], is **DENIED** without prejudice.

Dated this 31st day of January 2024.



MATTHEW T. SCHELP
UNITED STATES DISTRICT JUDGE